

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHELLY NEWTON,

No. C 05-01204 SBA

Plaintiff,

**ORDER TO SHOW CAUSE RE
DISMISSAL**

v.

P. ARPAIA, et al.,

Defendants.

On January 17, 2006, this Court ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute due to Plaintiff's failure to initiate the telephone conference call for the January 12, 2006 Case Management Conference. On February 13, 2006, Plaintiff's counsel responded to Court's Order to Show Cause by explaining that the Case Management Conference telephone call was not initiated because Plaintiff's counsel had failed to note the date of the Case Management Conference on his calendar.

On February 16, 2006, the Court vacated its Order to Show Cause and set a Case Management Conference for March 15, 2006. On March 15, 2006, the Case Management Conference was continued by the Court to April 6, 2006.

On April 6, 2006, Plaintiff again failed to initiate the telephone conference call for the Case Management Conference.

Accordingly,

IT IS HEREBY ORDERED THAT:

(1) Plaintiff shall appear in Courtroom 3 of the United States Courthouse, 1301 Clay Street, Oakland, California, on **May 18, 2006, at 4:00 p.m.** to show cause why this case should not be dismissed and/or sanctions should not be imposed for lack of prosecution.

(2) **No later than April 28, 2006**, Plaintiff or Plaintiff's counsel of record must file a Certificate of Counsel with the Clerk of the Court to explain why the case should or should not be dismissed and why sanctions should or should not be imposed for lack of prosecution. The Certificate shall set forth the nature of the cause, its present status, the reason it has not been brought to trial or otherwise terminated, any basis for opposition to dismissal by any party, and its expected course if not dismissed.

(3) Please take notice that this Order requires both the specified court appearance and the filing of the Certificate of Counsel. FAILURE TO FULLY COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT GROUNDS TO DISMISS THE ACTION. The Court hereby expressly reminds Plaintiff's counsel that it will not tolerate any further delays in the prosecution of this matter due to attorney oversight.

IT IS SO ORDERED.

Dated: 4/16/06


SAUNDRA BROWN ARMSTRONG
United States District Judge